



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q92060

Megumi KUMEMURA, et al.

Appln. No.: 10/561,275

Group Art Unit: Unknown

Confirmation No.: Unknown

Examiner: Unknown

Filed: December 19, 2005

For: COMPOSITION FOR LOWERING SERUM URIC ACID LEVEL

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for

INFORMATION DISCLOSURE STATEMENT
U.S. Appln. No.: 10/561,275

continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents (International Search Report for PCT/JP2004/009212 dated October 19, 2004), together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office. Also, enclosed herewith is a copy of an Office Action of a corresponding Japanese application (JP 2005-507319). Additionally, English language abstracts, submitted herewith, constitute concise statements of relevance for JP-A-2004-161618, JP-A-8-163983, JP-A-11-318351 and for the non-patent literature documents by KOZLOWSKI, et al., PORSCHE, et al., and, ONISHI, et al..

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 12, 2007

Respectfully submitted,



Gordon Kit
Registration No. 30,764

Substitute for Form 1449 A & B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(use as many sheets as necessary)**Complete if Known*

Application Number	10/561,275
Confirmation Number	Unknown
Filing Date	December 19, 2005
First Named Inventor	Megumi KUMEMURA
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	Q92060

Sheet	1	of	2
-------	---	----	---

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US 2002/0061292	A1	05-23-2002	Claudio De Simone
		US			
		US			
		US			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		WO	02/091833	A1	11-21-2002	KIBOW BIOTECH, INC	
		WO	98/14177	A1	04-09-1998	PHARMANEX INCORPORATED	
		JP	2004-161618	A	06-10-2004	Kirin Brewery Co. Ltd.	Abstract
		JP	8-163983	A	06-25-1996	Kanebo Ltd.	Abstract
		JP	11-318351	A	11-24-1999	Takara Shuzo Co. Ltd.	Abstract

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		CAMPIERI, C. et al., "Reduction of oxaluria after an oral course of lactic acid bacteria at high concentration", Kidney Int., 2001, Vol. 60, No. 3, pages 1097 to 1105	
		HOKAMA, S., et al., "Oxalate-Degrading Enterococcus faecalis", Microbiol. Immunol., 2000, Vol. 44, No. 4, pages 235 to 240	
		DATABASE CAPLUS ON STN, 1986, No. 104:105897 & MIDDELHOVEN, W. J., et al., "Yeast species utilizing uric acid, adenine, n-alkylamines or diamines as sole source of carbon and energy", Antonie van Leeuwenhoek, 1985, Vol. 51, No. 3, pages 289 to 301	
		DATABASE BIOSIS ON STN, 1984, No. 1984:261891 & MIDDELHOVEN, W. J., et al., "Growth of Candida famata and Trichosporon cutaneum on uric acid as the sole source of carbon and energy, a hitherto unknown property of yeasts", J. Microbiol., 1983, Vol. 49, Nos. 4 to 5, pages 361 to 368	
		J. O. LAMPEN, et al., "The Mechanism of Action of Lactobacillus Pentosus Nucleosidase", J. Biol. Chem., 1952, 198(1), pages 385-395	
		Takeshi IKENAGA, et al., "Takai Purine Nucleoside Taishano o Yusuru Nyusankin no Shokujisei Ko Nyosan Kessho Model Rat no Kecchu Nyosanchi ni Oyobosu Eikyo", Nippn Eiyo Shokuryo Gakkai Sokai Koen Yoshishu, April 1, 2004, Vol. 58 th , page 318, 3I-4p	

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.

Substitute for Form 1449 A & B/PTO <u>INFORMATION DISCLOSURE</u> <u>STATEMENT BY APPLICANT</u> <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	10/561,275
				Confirmation Number	Unknown
				Filing Date	December 19, 2005
				First Named Inventor	Megumi KUMEMURA
				Art Unit	Unknown
Examiner Name	Unknown				
Sheet	2	of	2	Attorney Docket Number	Q92060

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		Jun OGAWA, et al., "Purine Nucleoside Tiasha ni Eikyo Oyobosu Nyusankin no Tansaku", Nippon Noge Kagakukai 2004 Nendo (Heisei 16 Nendo) Koen Yoshishu, March 5, 2004, page 197 3A15a06	
		Takeshi IKENAGA, et al., "Shokujisei Nyosan Kessho Model Rat no Kecchu Nyosanchi ni Oyobosu Nyusankin no Eikyo", Nippon Noge Kagakukai 2004 Nendo (Heisei 16 Nendo) Koen Yoshishu, March 5, 2004, page 197, 3A15a07	
		KOZLOWSKI, J., et al., "The Influence of the Oral Administration of Lactic Acid Bacteria on the Oxaluria in the Children with Calcium-Oxalate Nephrolithiasis", Przegląd Pediatryczny, 2003, Vol. 33, No. 4, pages 313-316	Abstract
		DATABASE CAPLUS ON STN, 1962, No. 57:71652 & PORSCHE, T., et al., "The use of uric acid by Saccharomyces", Acad. Rep. Populare Romine, Studii Cercetari Stiinte Chim., 1961, Vol. 8, Nos. 1 to 2, pages 181 to 183	Abstract
		DATABASE CAPLUS ON STN, 1979, No. 90:20791 & ONISHI, H., et al., "Screening and Cultivation of Excellent Uric Acid-Utilizable Yeasts", Nippon Noge Kagaku Kaishi, 1978, Vol. 52, No. 8, pages 317 to 321	Abstract
		Jun OGAWA, et al., "Ko Nyosan Kessho Yobo ni Yuko na saikin Purine Nucleosidase no Sho Seishitsu", Nippon Noge Kagaku Kaishi, 2001, Vol. 75, special extra issue, page 366, 3Y6a10	
		SEIKAGAKUJITEN (Dictionary of Biochemistry), 3 rd edition, edited by IMAHORI and YAMAKAWA, October 8, 1998, right column of page 1206, item "purine nucleosidase"	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.